



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,007	09/24/2001	Mitsuhiro Nishibe	211391US6PCT	6624
22850	7590	02/22/2008	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			LEE, PHILIP C	
			ART UNIT	PAPER NUMBER
			2152	
			NOTIFICATION DATE	DELIVERY MODE
			02/22/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary	Application No. 09/926,007	Applicant(s) NISHIBE ET AL.	
	Examiner PHILIP C. LEE	Art Unit 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. This action is responsive to the amendment and remarks filed on October 31, 2007.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/31/07 has been entered.
3. Claims 1-8 and 10 are presented for examination and claim 9 is canceled.
4. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

Objection

5. Claims 4 are objected to because of the following informalities: claims 4 (lines 19 and 29), "a key server" should be "the key server". Claim 5, line 11, "said user terminal identification" should be "said user registration form data"; Lines 13 and 16, "said user registration form data" should be "said user profile form data"; Lines 14-15, "said user terminal identification" should be "said user registration form data"; Line 17, "said user profile data" should be "said user terminal identification"; Lines 19 and 29, "a key server" should be "the key server". Claim 6, line 5, "user terminal identification information" should be "the user terminal

identification information”; Line 8, “user registration form data” should be “the user registration form data”; Line 13, “a picture” should be “the picture”. Claims 7 (line 5) and 8 (line 5), “user registration form data” should be “the user registration form data”; claims 7 (Line 10) and 8 (line 10), “the inputting step” should be “said inputting”

Claim Rejections – 35 USC 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-8 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. The following terms lack proper antecedent basis:
 - i. the target destination of the content server – claim 1.
 - ii. said user profile form data – claim 4.
 - iii. the content server – claims 4, 5, 6, 7 and 8.
 - iv. the target destination of said contents server – claim 4
 - v. said user – claim 5.
 - vi. the registration apparatus - claim 5.
 - vii. said user terminal form data - claim 5.
 - viii. said first recording step – claim 5.
 - ix. the user terminal identification stored by the second recording step –

- claim 5.
- x. said content server – claim 5.
- xi. the content – claim 5.
- xii. the registration server – claims 6, 7 and 8.
- b. Claim language in the following claims is not clearly understood:
 - xiii. As per claim 6, line 9, it is unclear if “user profile data” refers to “user profile form data” in line 4.

Claim Rejections – 35 USC 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claim 1 is rejected under 35 U.S.C. 101 because “An information providing system” comprising an apparatus comprising means (i.e., software) does not include any functional hardware structure of a system. A system (i.e., machine) comprising only software means is considered as program per se, which is not one of the categories of statutory subject matter.

Reason for Allowance

10. The following is an examiner's statement of reasons for allowance: None of the prior art of records teach or suggest in combination an invention comprising: receiving, from a user

terminal used by said user, a transmission request for transmission of said user registration form data, along with user terminal identification information at the registration apparatus; receiving user profile data at the registration apparatus; receiving user terminal identification and an application identification corresponding to an application from the user terminal, the application identification including information corresponding to application type, language and software version code of the application; transmitting a key and the target destination of the contents server which enables the user terminal to download contents from the content server; the key based on the application identification.

11. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions

Art Unit: 2152

on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

P.L.

/Philip C Lee/

Art Unit 2152